



Atty. Dkt. No. 065691-0327  
Appl. Ser. No. 10/619,905

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Karim BOUMEDIENE et al.  
Title: USE OF UNSAPONIFIABLE  
COMPONENTS OF VEGETABLE  
OILS FOR PREPARING A FOOD  
ADDITIVE  
Appl. No.: 10/619,905  
Filing Date: 7-15-2003  
Examiner: TBD  
Art Unit: TBD

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|--|-------------------|
| <b>CERTIFICATE OF EXPRESS MAILING</b>  |                   |
| I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450. |                   |
| EL 979071204 US  | October 21, 2003  |
| (Express Mail Label Number)  | (Date of Deposit) |
| SUZANNE LANGELEY   |                   |
| (Printed Name)   |                   |
|  |                   |
| (Signature)  |                   |

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop APPLICATION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. Copies of those listed documents that were previously cited for U.S. application no. 09/868,989, which is the parent of the instant application, have already been made available to the Examiner. Applicants have enclosed a copy of the International Search Report for PCT/FR99/03272, which is the international counterpart for the instant application. English-language counterparts for the non-English language patent documents cited in the International Search Report are listed on the Form PTO/SB/08. Because the instant application was filed after June 30, 2003, Applicants have not included any U.S. patents listed on the Form PTO/SB/08. However, should

the Examiner request a copy of any listed document not provided herewith, Applicants will gladly provide the Examiner with a copy.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b)(3), before the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application (PCT/FR99/03272) or the corresponding parent application U.S. 09/868,989. A copy of the International Search Report for PCT/FR99/03272 is attached setting forth the portion of each document considered relevant by the examiner. English-language counterparts for cited non-English language references include: GB 1 427 253 for FR 2 231 394; CA 2132369 for EP 0 643 960; U.S. 6,146,616 for FR 2 762 512; and U.S. 5,262,163 for FR 2 678 632. An English-language translation is not available for the article authored by Par H. THIERS *et al.*, however, an English language summary is

provided at page 250 of the article. An English language translation is not available for the PIASCLEDINE websites, (documents A15 and A16). However, the websites describe PIASCLEDINE 300 mg, which includes insaponifiable components of avocado oil (100 mg) and insaponifiable components of soya bean oil (200 mg). The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP § 609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date 10/21/03

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Date Submitted: October 21, 2003

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**Complete if Known**

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/691,905       |
| Filing Date            | July 15, 2003    |
| First Named Inventor   | Karim Boumediene |
| Group Art Unit         | TBD              |
| Examiner Name          | TBD              |
| Attorney Docket Number | 065691-0327      |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                    | A1                    | U.S. 6,146,616       |                                   | Msika   | 11-14-2000                                       |   |
|                    | A2                    | U.S. 5,998,396       |                                   | Nakano  | 12-07-1999                                       |   |
|                    | A3                    | U.S. 5,627,289       |                                   | Jeromin   | 05-06-1997                                       |   |
|                    | A4                    | U.S. 5,498,411       |                                   | Rancurel  | 03-12-1996                                       |   |
|                    | A5                    | U.S. 5,262,163       |                                   | Rancurel  | 11-16-1993                                       |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|--|---|----------------|
|                    |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |  |   |                |
|                    | A6                    |                         | FR 2 231 394        |                                   |  | 12-27-1974                                       |   |                |
|                    | A7                    |                         | EP 0 643 960        |                                   |  | 03-22-1995                                       |   |                |
|                    | A8                    |                         | FR 2 762 512        |                                   |  | 10-30-1998                                       |   |                |
|                    | A9                    |                         | FR 2 678 632        |                                   |  | 01-08-1993                                       |   |                |
|                    | A10                   |                         | GB 1 427 253        |                                   |  | 03-10-1976                                       |   |                |
|                    | A11                   |                         | CA 2132369          |                                   |  | 03-22-1995                                       |   |                |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.  | T <sup>6</sup> |
|--------------------|-----------------------|---|----------------|
|                    | A12                   | International Search Report for PCT/FR99/03272 (WO 00/38701)  |                |
|                    | A13                   | Helen Kim et al., "Mechanisms of Action of the Soy Isoflavone Genistein: Emerging Role for its Effects Via Transforming Growth Factor- $\beta$ Signaling Pathways 1-3", The American Journal of Clinical Nutrition, vol. 68, No. 6, (suppl), pgs. 1418S-1425S, (1998) © 1998 American Society for Clinical Nutrition. |                |
|                    | A14                   | Par H. Thiers et al., "Un Groupe D'Agents Therapeutiques Nouveaux: Les Insaponifiables Des Huiles Vegetables, Leurs Carotenoids, Leurs Indetermines Administres En Solution Alcoolique", Therapie, vol 16, pgs. 235-251, 1961   |                |
|                    | A15                   | Pharmascience Laboratories "PIASCLEDINE 300 mg gelules," 1992, previously available at <a href="http://www2.biam2.org/www/spe11021.html">http://www2.biam2.org/www/spe11021.html</a>  |                |
|                    | A16                   | VIDAL, "PIASCLEDINE 300 mg gel"; available at <a href="http://www.vidal.fr/medicament/piascledine-13187.htm">http://www.vidal.fr/medicament/piascledine-13187.htm</a>   |                |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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